

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL PHILLIPS, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

vs.

J.R. SIMPLOT COMPANY, a Nevada  
Corporation, and DOES 1-10,  
inclusive,

Defendants.

NO: 4:19-CV-5234-TOR

ORDER OF DISMISSAL

BEFORE THE COURT is the parties' Stipulated Motion to Dismiss (ECF No. 18). The parties agree that the above captioned action should be dismissed with prejudice as to Plaintiff's individual claims and dismissed without prejudice as to the claims of the putative class. The parties further agree that each party shall bear its own costs and attorneys' fees. The Court has reviewed the record and files herein and is fully informed.

1 According to Rule 41(a)(1)(A)(ii), a plaintiff may dismiss an action by filing  
2 a stipulation signed by all parties who have appeared.

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 1. The Parties' Stipulated Motion to Dismiss, ECF No. 18, is **GRANTED**.

5 Pursuant to Rule 41(a)(1)(A)(ii) and the parties' stipulation, all claims in this  
6 matter are **DISMISSED** with prejudice as to Plaintiff and **DISMISSED**  
7 without prejudice as to the putative class. Each party shall bear its own costs  
8 and attorneys' fees.

9 2. The **STAY** in this case is lifted and all deadlines are **VACATED**.

10 The District Court Executive is directed to enter this Order and Judgment of  
11 Dismissal, furnish copies to counsel, and **CLOSE** the file.

12 DATED December 1, 2022.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

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THOMAS O. RICE  
United States District Judge